

HOUSE BILL 179
By Langster

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to stalking and other offenses against the person.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-315, is amended by deleting the section in its entirety and substituting instead the following:

39-17-315.

(a) As used in this section:

(1) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threats or threats implied by conduct such as vandalism, harassment or theft or a combination thereof directed at or toward a specific person.

(2) "Repeatedly" means on two (2) or more separate occasions.

(3) "Immediate family" means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who within the prior six (6) months regularly resided in the household.

(b) A person commits the offense of stalking who intentionally engages in a course of conduct directed at a specific person in such a manner as would cause that person to be in reasonable fear of an assault or bodily injury to such person or such person's immediate family.

(c)

(1) Stalking is a Class E felony.

(2) A second violation of subsection (b) within a seven (7) year period involving any victim is a Class D felony.

(d) A person convicted of stalking is not eligible for probation pursuant to § 40-35-303, judicial diversion pursuant to § 40-35-313 or release to a community-based alternative to incarceration pursuant to Tennessee Code Annotated, Title 40, Chapter 36.

SECTION 2. Tennessee Code Annotated, Section 39-17-316, is amended by redesignating such section as § 39-17-317 and by adding the following new § 39-17-316.

39-17-316.

(a) Aggravated stalking is stalking as defined in § 39-17-315:

(1) Where the victim is in reasonable fear of a sexual assault, serious bodily injury or death to such victim or such victim's immediate family;

(2) Where, at the time of the offense, the defendant was enjoined by an order, diversion or probation agreement issued by a court of competent jurisdiction from in any way causing or attempting to cause bodily injury, committing or attempting to commit an assault against or from coming around the victim.

(3) The defendant has at least one (1) prior conviction for stalking the same victim; or

(4) The defendant has two (2) or more prior convictions for stalking involving any victim.

(b)

(1) Aggravated stalking is a Class C felony.

(2) A second or subsequent violation of subsection (a) is a Class B felony.

(c) A person convicted of aggravated stalking is not eligible for probation pursuant to § 40-35-303, judicial diversion pursuant to § 40-35-313 or release to a community-based alternative to incarceration pursuant to Tennessee Code Annotated, Title 40, Chapter 36.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.

